IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9469 of 1999

WITH

SPECIAL CIVIL APPLICATION No.9470 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KASHUBHAI KALUBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR JA ADESHRA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 3

MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 09/05/2000

COMMON ORAL JUDGEMENT

#. Rule. Mr.Digant .P.Joshi, the learned A.G.P. for Mr.S.P.Hasurkar, the learned Additional G.P. waives service of rule. With the consent of the parties the matters are taken up for final disposal today.

#. These two petitions were filed by the petitioner seeking various reliefs. Originally the petitioners were working in the Irrigation Department and at one point of time they came to be declared surplus, therefore they were sent to Sales Tax Department. In the Sales Tax Department they were informed to go for pre service training from 1.12.99 to 31.1.2000 at Sardar Patel Institute of Public Administration without taking into consideration the fact that the petitioners have already passed the Lower Clerical Grade Examination in 1987 and the question of their seniority etc, were also required to be cleared hence the present petition came to be filed. After issuance of the notice by this court, the affidavit in reply and rejoinder came to be filed. Now the authorities have passed an order dated 8.5.2000 whereby the grievance of the petitioner is redressed and hence both these matters are disposed of accordingly in view of the contents of the order. A copy of the said order is taken on record of this petition.

#. Mr.J.A.Adeshra, learned advocate for the petitioner is apprehensive about the seniority of the petitioner in the parent department-Narmada Water Resources & Water Supply Department, in the event of giving some brake in service. Both these apprehensions are misplaced. Once the petitioner is sent back to par
no question of giving him any break in service. Similarly there is no question of not giving the original seniority to the petitioner.

#. In view of the letter / order dtd.8.5.2000 both these petitions are allowed. Rule made absolute with no order as to costs.

(RAVI.R.TRIPATHI,J.)
kks